
HOUSE BILL 2359

State of Washington 58th Legislature 2004 Regular Session

By Representatives Kagi, O'Brien, Dickerson, Nixon, Sommers and Darneille

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1 AN ACT Relating to altering the amount of earned release time
2 available for certain jail inmates; and amending RCW 9.92.151.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9.92.151 and 1990 c 3 s 201 are each amended to read
5 as follows:

6 (1) The sentence of a prisoner confined in a county jail facility
7 for a felony, gross misdemeanor, or misdemeanor conviction may be
8 reduced by earned release credits in accordance with procedures that
9 shall be developed and promulgated by the correctional agency having
10 jurisdiction. The earned early release time shall be for good behavior
11 and good performance as determined by the correctional agency having
12 jurisdiction. Any program established pursuant to this section shall
13 allow an offender to earn early release credits for presentence
14 incarceration. The correctional agency shall not credit the offender
15 with earned early release credits in advance of the offender actually
16 earning the credits.

17 (2) In the case of an offender convicted of a serious violent
18 offense or a sex offense that is a class A felony committed on or after
19 July 1, 1990, and before July 1, 2004, the aggregate earned early

1 release time may not exceed fifteen percent of the sentence. In the
2 case of an offender convicted of a serious violent offense or a sex
3 offense that is a class A felony committed on or after July 1, 2004,
4 the aggregate earned release time may not exceed ten percent of the
5 sentence.

6 (3)(a) In the case of an offender who qualifies under (b) of this
7 subsection, the aggregate earned release time may not exceed fifty
8 percent.

9 (b) An offender is qualified to earn up to fifty percent of
10 aggregate earned release time under this subsection (3) if he or she:

11 (i) Is not confined pursuant to a sentence for:

12 (A) A sex offense as defined in RCW 9.94A.030;

13 (B) A violent offense as defined in RCW 9.94A.030;

14 (C) A crime against persons as defined in RCW 9.94A.411;

15 (D) An offense that is domestic violence as defined in RCW
16 10.99.020;

17 (E) A violation of RCW 9A.52.025 (residential burglary);

18 (F) A violation of, or an attempt, solicitation, or conspiracy to
19 violate, RCW 69.50.401 by manufacture or delivery or possession with
20 intent to deliver methamphetamine; or

21 (G) A violation of, or an attempt, solicitation, or conspiracy to
22 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);
23 and

24 (ii) Has no prior conviction for:

25 (A) A sex offense as defined in RCW 9.94A.030;

26 (B) A violent offense as defined in RCW 9.94A.030;

27 (C) A crime against persons as defined in RCW 9.94A.411;

28 (D) An offense that is domestic violence as defined in RCW
29 10.99.020;

30 (E) A violation of RCW 9A.52.025 (residential burglary);

31 (F) A violation of, or an attempt, solicitation, or conspiracy to
32 violate, RCW 69.50.401 by manufacture or delivery or possession with
33 intent to deliver methamphetamine; or

34 (G) A violation of, or an attempt, solicitation, or conspiracy to
35 violate, RCW 69.50.406 (delivery of a controlled substance to a minor).

36 (c) The correctional agency having jurisdiction may recalculate the
37 earned release time and reschedule the expected release date for each
38 qualified offender under this subsection (3).

1 (d) This subsection (3) applies retroactively to eligible offenders
2 serving terms of total confinement in a county jail facility as of July
3 1, 2004.

4 (4) In no other case may the aggregate earned early release time
5 exceed one-third of the total sentence.

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